

**Andrew Stone**

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**From:** Rychcik, Carl J.. [CRychcik@foxrothschild.com]  
**Sent:** Monday, August 27, 2007 5:43 PM  
**To:** Andrew Stone  
**Cc:** Dan Mulholland; Mark Simpson  
**Subject:** US ex rel Singh

Andy:

I agree with Dan on behalf of my clients as well. I am also unable and unwilling to agree to the requested consent order. However, my clients also may not object to a motion the Relators prepare requesting an order that permits Medicare and Highmark to release the data covered by your subpoena. As with BRMC, though, prior to making this determination, we would first have to review the contents of any such motion, and this would be contingent on our reserving all rights to contest the introduction, construction or use of the information provided in response to the subpoena.

**Carl J. Rychcik**  
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**From:** Dan Mulholland [mailto:DMulholland@hortyspringer.com]  
**Sent:** Monday, August 27, 2007 4:28 PM  
**To:** Andrew Stone; Rychcik, Carl J..  
**Cc:** Mark Simpson  
**Subject:** RE: US ex rel Singh

Andy: after consideration of your request and consultation with my client, I don't think we can agree to a consent order, since doing so could be construed as waiving our right to contest the introduction, construction or use of the information provided in response to the subpoena at trial or in any dispositive motion. However, BRMC would not object to a motion by Relators for an order permitting Medicare and Highmark to release the data that was covered by your subpoena, subject to our review and approval of any such motion and Relators' agreement that we reserve the right to contest the introduction, construction or use of the information provided in response to the subpoena. Please let me know if this is acceptable.

Dan Mulholland  
Horty, Springer & Mattern  
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**From:** Andrew Stone [mailto:astone@stones2.com]  
**Sent:** Monday, August 27, 2007 2:46 PM  
**To:** Dan Mulholland; 'Rychcik, Carl J..'  
**Cc:** 'Mark Simpson'  
**Subject:** RE: US ex rel Singh

Dan & Carl,

An enumerated exception to the prohibition against gov't agency disclosure of records covered by Privacy Act is "except pursuant to order of court of competent jurisdiction." 5 U.S.C. § 552a (b) (11) . Let me know whether you consent. We are expecting the information in an electronic spread sheet format and will make copies available to you.

Andy

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**From:** Dan Mulholland [mailto:DMulholland@hortyspringer.com]  
**Sent:** Monday, August 27, 2007 9:46 AM  
**To:** Andrew Stone; Rychcik, Carl J..  
**Cc:** Mark Simpson  
**Subject:** RE: US ex rel Singh

Andy: I have asked the hospital for direction with respect to your request. Could you please direct me to the relevant sections of the Privacy Act that would related to this proposed order? Also, would you be willing to give us a copy of whatever you receive in response to your request from Highmark/HHS? I suspect that the hospital would not oppose a motion on your part for an order allowing this information to be produced, but I need to have all relevant information to discuss your request with them. Thanks.

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addressed herein.

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**From:** Andrew Stone [mailto:astone@stones2.com]  
**Sent:** Friday, August 24, 2007 6:39 PM  
**To:** Dan Mulholland; 'Rychcik, Carl J.'  
**Cc:** 'Mark Simpson'  
**Subject:** US ex rel Singh

Gentlemen:

So as to comply with requirements of Privacy Act, I have attached a proposed Consent Order. Please advise with regard to your consent.

Very Truly Yours,

Andrew M. Stone

412-391-2005 ext 102

**ATTENTION:**

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Thank you.